

# United States Court of Appeals For the First Circuit

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No. 14-8013

DAVID ROMULUS, ET AL,

Plaintiffs, Respondents,

v.

CVS PHARMACY, INC.,

Defendant, Petitioner.

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Lynch, Chief Judge,  
Torruella and Howard, Circuit Judges.

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## JUDGMENT

Entered: September 8, 2014

We grant the 28 U.S.C. § 1453(c) petition for permission to appeal the March 27, 2014 remand order. The appeal will proceed as 14-1937, incorporating the papers already filed. On or before September 22, the parties shall file supplemental memoranda, not to exceed twenty-five pages per side, addressing the following questions:

--According to the Seventh Circuit, "[e]very circuit that has addressed the question of removal timing has applied [28 U.S.C.] § 1446(b) literally and adopted some form of a bright-line rule that limits the court's inquiry to the clock-triggering pleading or other paper and, with respect to the jurisdictional amount in particular, requires a specific, unequivocal statement from the plaintiff regarding the damages sought." Walker v. Trailer Transit, Inc., 727 F.3d 819, 824 (7th Cir. 2013). Is this, or should this be, the rule in this circuit?

--Under the removal statute, what time-sensitive duty, if any, does the defendant have to investigate the facts in response to plaintiff's allegations?

--Assuming that neither 30-day period in § 1446(b) is advancing, does the defendant have a deadline for coming forward with its own information supporting removal?

--Again assuming that neither 30-day period in § 1446(b) is advancing, does any mechanism in the removal statute regulate a second or successive removal that is based on information available to the defendant at the time of the previous removal?

Oral argument can be expected during the October 2014 sitting.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Rachel Brown  
Thomas Urmy, Jr.  
Patrick Vallely  
James Boudreau  
John Farraher, Jr.

Honorable Rya W. Zobel  
Robert M. Farrell, Clerk, USDC-MABO